

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

DOCKET NO. 5:07CR36-RLV

UNITED STATES OF AMERICA,

v.

CHRISTOPHER WILLIAM HARTSELL

PETITION OF SHELLEY C. HARTSELL

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**CONSENT ORDER
FOR THIRD-PARTY PETITION**

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U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

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STATESVILLE, N.C.

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U.S. DISTRICT COURT
W. DIST. OF NC

THIS MATTER is before the Court by consent of the United States of America, by and through Gretchen C. F. Shappert, United States Attorney for the Western District of North Carolina, and petitioner Shelley C. Hartsell ("petitioner"), pursuant to Fed. R. Crim. P. 32.2(c). The government and petitioner have consented to this order as a final adjudication and settlement of all petitioner's interest with regard to the following property (the "subject property"), as included in the Consent Order and Judgment of Forfeiture filed herein on August 28, 2007 (the "Consent Order"), which, as an initial matter, is a preliminary order with respect to the subject property:

- a. all property seized by the Government on or about March 1, 2007, including but not limited to all funds, or a total of approximately \$62,878.45, in bank accounts and brokerage or investment accounts at Wachovia Bank, N.A., and TD Ameritrade, held in the name of American Security Trust, Freedom Lifestyles, and The Real Estate Source;
- b. all property seized by the Government on or about August 27, 2007, including but not limited to the proceeds from the sale of the real property located at 21412 Ogden Cove Drive, Cornelius, North Carolina, in the form of Wachovia Check No. 59390 made payable to Christopher Hartsell and Shelley Hartsell in the amount of \$67,099.47, or as subsequently deposited by the Marshals Service, with the understanding, however, that the defendant may receive and set aside \$25,000 to be used to pay rent for the defendant's family as his wife transitions back to the workplace;
- c. real property located at 12216 Shiro Court, Huntersville, North Carolina.

The government and petitioner have stipulated and agreed and the Court finds as follows:

1. This Consent Order is deemed to constitute a timely petition filed by petitioner in response to the Consent Order and Judgment, thus commencing an ancillary proceeding under Rule 32.2(c)(1). The Court has

jurisdiction over the subject property, and this order is intended to settle and resolve all issues in the ancillary proceeding.

2. Defendant Christopher William Hartsell ("defendant") has or had a legal ownership interest in the subject property that is subject to forfeiture under the applicable statutes. Petitioner and the United States have agreed that the sum of \$25,000, as recited in paragraph b, shall be released to petitioner in full satisfaction of petitioner's claim of ownership regarding the subject property. After disbursement of the \$25,000 by the Marshals Service to petitioner, the preliminary order shall be amended by subtracting this \$25,000 from the \$67,099.47 that is listed in paragraph b as part of the subject property, leaving a net amount of \$42,099.47 to be forfeited, and the government's claim to the \$25,000 shall be dismissed; provided, it is understood, agreed, and ordered that this \$25,000 is the same money identified in paragraph b as the "\$25,000 to be used to pay rent for the defendant's family as his wife transitions back to the workplace"

4. Petitioner hereby releases and forever discharges the United States, its agents, servants and employees, its successors or assigns, and all state or local governmental entities or law enforcement agencies in North Carolina and their agents, servants and employees, their heirs, successors, or assigns, from any and all actions, causes of action, suits, proceedings, debts, dues, contracts, judgments, damages, claims, and/or demands whatsoever in law or equity which petitioner or her heirs, successors, or assigns ever had, now have, or may have in the future in connection with this investigation, seizure, detention, and forfeiture.

IT IS THEREFORE ORDERED THAT:

1. The Consent Order and Judgment of Forfeiture filed August 28, 2007, is amended by subtracting the sum of \$25,000 from the \$67,099.47 listed in paragraph b, and this \$25,000 shall be released to Shelley C. Hartsell in full satisfaction of her interest and claim to the subject property.

2. The government's forfeiture claim to the \$25,000 is hereby dismissed with prejudice.

3. Each party shall bear its own costs, including any attorneys fees.

Signed this the 4 day of October, 2007.

Richard L. Voorhees

RICHARD L. VOORHEES
UNITED STATES DISTRICT JUDGE

ON MOTION OF AND BY CONSENT OF THE PARTIES:

FOR THE UNITED STATES OF AMERICA:

Kurt W. Meyers
KURT MEYERS
Assistant United States Attorney

Date: 9/26/2007

W A Brafford
WILLIAM A. BRAFFORD
Assistant United States Attorney

Date: Sept. 25, 2007

Shelley C. Hartsell
SHELLEY C. HARTSELL
Petitioner

Date: 9-25-07

MP Tin
NOELL P. TIN
Attorney for Petitioner

Date: 9/25/07